

**STANDARDS PRESENTATION
TO
CALIFORNIA OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD**

Attachment No. 1

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PROPOSED STATE STANDARD,
TITLE 8, CHAPTER 4

Amend Section 3456 as follows:

§3456. Hand-Held Tools.

(a) Hand-held tools shall be kept in good condition and be safely stored.

(b) The use of a short-handled hoe or any other short-handled hand tool is prohibited in agricultural operations, as that term is defined in Section 3437 ~~or Title 8, California Administrative Code~~, for weeding, thinning or hot-capping when such hoe or short-handled hand tool is used in a stooped, kneeling or squatting position. A long-handled hand tool used for these operations shall not be used as a short-handled hand tool in a stooped, kneeling or squatting position.

(c)(1) Hand weeding, hand thinning, and hand hot-capping shall not be permitted in agricultural operations as defined in Section 3437, unless there is no readily available or no reasonable alternative means of performing the work that is suitable and appropriate to the production of the agricultural or horticultural commodity.

(2) Upon inquiry made by the Division of Occupational Safety and Health personnel, the employer shall bear the burden of justifying that the use of hand weeding, hand thinning, or hand hot-capping was required due to the unsuitability of the use of a long-handled tool or other alternative means of performing the work.

(3) Nothing in this subsection shall be construed as prohibiting occasional or intermittent hand weeding, hand thinning or hand hot-capping in a stooped, squatting, or kneeling position that is incidental to a non-hand weeding operation. For purposes of this subsection, occasional or intermittent means an employee is devoting 20 percent or less of his or her weekly work time to hand weeding, hand thinning and hand hot-capping.

(4) Every employer shall provide employees engaged in hand weeding, hand thinning and hand hot-capping, not determined to be occasional or intermittent as defined in subsection (3), an additional five (5) minutes of rest period time, which insofar as practicable, shall be in the middle of each work period. The authorized rest period time shall be based on the total hours worked daily at the rate of fifteen (15) minutes net rest time per four (4) hours of work, or major fraction thereof. Authorized rest time shall be counted as hours worked for which there shall be no deduction from wages.

(5) Employees engaging in hand weeding, hand thinning, or hand hot-capping shall be provided gloves and knee pads, as necessary, and training required to perform the job in accordance with all guidelines of Section 3203, Injury and Illness Prevention Program.

(6) The employer shall, in accordance with Title 8, Section 11140, provide any hand tool that may be used under subsection (c)(1).

(d) The provisions of subsection (c)(1) and (c)(2) shall not apply to the following situations:

(1) High density plants spaced less than 2 inches apart when planted;

(2) Any agricultural commodity grown without pesticides;

(3) All agricultural or horticultural commodities when they are seedlings; and

(4) Horticultural commodities grown in tubs or planter containers when the use of a long handled tool or other alternative is unsuitable to the production of the commodity.

NOTE: Authority cited: Section 142.3, Labor Code. Reference: Section 142.3, Labor Code.